REMARKS/ARGUMENTS

Claims 1-7 are pending in the application. In the Office Action of July 19, 2004 and the Advisory Action of November 23, 2004, claims 1-3 and 5-7 stand rejected and claim 4 stands allowed. By virtue of this Amendment and Response, claims 1-3 and 5 have been amended.

Oath/Declaration

In the Office Action of July 19, 2004, the Examiner states that the Oath/Declaration is defective because it does not include the signature of the first inventor of the disclosure. Applicant refers to the Examiner to the Oath/Declaration that was submitted to the U.S. Patent and Trademark Office on April 26, 2001, a copy of which is enclosed herewith. This Oath/Declaration, which was executed by all inventors in May of 1998, includes signatures by all inventors, including the signature of the first inventor of the disclosure. Therefore, the Applicant respectfully requests that the Examiner withdraw his finding that the Oath/Declaration is defective.

Rejections under 35 U.S.C. §103

The Office Action of July 19, 2004 appears to reiterate the rejection of claims 1-3 and 5 under 35 U.S.C. § 103(a) as unpatentable over Lindhorst (U.S. Patent 6,337,696) in view of Doyle (U.S. Patent 4,928,247), as originally asserted in the Office Action of February 12, 2004. Applicant respectfully traverses the rejection for the following reasons.

Amended claim 1 relates to a process modeling tool for graphically representing a process which includes transactions and events, where "one or more of such transactions and events are of an asynchronous nature." Asynchronous transactions or events occur in parallel, i.e., they occur independently, as in different threads, without reference to a standard clock.

The Office Action, however, concedes that Lindhorst does not disclose transactions and events of an asynchronous nature (see Office Action of February 12, 2004 on page 2). The Examiner proceeds to contend that Doyle teaches this element and that it would have been obvious to one skilled in the art to incorporate the teaching of Doyle into the method of Lindhorst. Applicant respectfully submits that the elements of claim 1 are not present in either

the Lindhort reference, the Doyle reference, or any combination of the Lindhorst and Doyle references.

In the Office Action of July 19, 2004, the Examiner cites col. 2 lines 46-68 and col. 3 lines 1-2 of the Doyle reference as evidence of the disclosure of transactions and events of an asynchronous nature. However, a reading of those passages does not reveal the disclosure of transactions and events of an asynchronous nature. In fact, there is no instance of the phrase "transactions and events" in the passage cited by the Examiner (even though the Examiner makes such an assertion on page 2 of the Office Action of July 19, 2004).

Doyle discloses an asynchronously operational structure walker in the graphics subsystem traversing a control structure stored in the structure memory on a continuing basis to read and process requests for traversal of the nodes of the graphics structures and to send the data and command information contained in the nodes down a graphics pipeline for processing, manipulation and display by the graphics processing components of the graphics subsystem (see col. 2 lines 53-61).

Doyle is fundamentally directed to a method for reading and displaying graphics structures, stored in memory, more efficiently. Note that a graphics structure is defined by Doyle as a data structure in memory that represents a graphical object, such as a three-dimensional object (see col. 1 lines 49-55). Doyle does not make any mention of a process modeling tool for graphically representing processes (including transactions or events); Doyle only mentions displaying graphics structures. Doyle further makes no mention of the graphical representation of transactions and events that are asynchronous. Doyle does disclose the asynchronous traversal of a data structure stored in memory for display of the data structure by the graphics subsystem (see col. 2 lines 53-61). Doyle's reference to asynchronicity, however, refers to asynchronous traversal of a data object, not a graphical object. In the Doyle reference, a data object containing graphics data is traversed by a routine and the graphics data is processed for display on a monitor. This is vastly different from the element of claim 1 of the Applicant's invention, wherein asynchronous transactions and events are represented by graphical objects. Thus, to say that the Doyle reference discloses asynchronous transactions and events that are represented by graphical objects would not be a proper characterization of the Doyle reference. Moreover, in the Applicant's invention, it is the graphical objects themselves that are asynchronous – the traversal

of the graphical objects is not necessarily asynchronous.

Again, amended claim 1 of the Applicant's invention specifically includes a "graphical representation of the transactions and events . . ., where one or more of such transactions and events are of an asynchronous nature." The Doyle reference does not disclose any representation or transactions and events. There is no instance of the phrase "transactions and events" in Doyle. Further, the Doyle reference does not disclose asynchronous transactions and events that are represented by graphical objects. Although Doyle discloses the asynchronous traversal of a data structure stored in memory for display of the data structure by the graphics subsystem, Doyle's reference to asynchronicity refers to asynchronous traversal of a data object, not a graphical object. In the Applicant's invention, it is the graphical objects themselves that are asynchronous – the traversal of the graphical objects is not necessarily asynchronous.

For these reasons, neither the Lindhorst reference nor the Doyle reference, nor any combination of the two, disclose, teach, or suggest the aforementioned element of claim 1 - namely, the graphical representation of asynchronous transactions and events by a process modeling tool. Thus, the Examiner's rejection of this claim has been traversed and the Applicant respectfully requests that the rejection is withdrawn.

For the same reasons as claim 1 above, neither the Lindhorst reference nor the Doyle reference, nor any combination of the two, disclose, teach or suggest the aforementioned element of claims 2-3 and 5 - namely, the graphical representation of asynchronous transactions and events by a process modeling tool. Thus, the Examiner's rejection of these claims have been traversed and the Applicant respectfully requests that the rejection is withdrawn.

The Office Action of July 19, 2004 appears to reiterate the rejection of claims 6-7 under 35 U.S.C. § 103(a) as unpatentable over Lindhorst (U.S. Patent 6,337,696) in view of Doyle (U.S. Patent 4,928,247) and further in view of the background section of the present application, as originally asserted in the Office Action of February 12, 2004. Applicant respectfully traverses this rejection.

For the same reasons as claim 1 above, neither the Lindhorst reference, the Doyle reference, the background section of the present application, nor any combination of the three, disclose, teach or suggest the aforementioned element of claims 6-7 - namely, the graphical representation of asynchronous transactions and events by a process modeling tool. Thus, the

Examiner's rejection of these claims have been traversed and the Applicant respectfully requests that the rejection is withdrawn.

Allowable Subject Matter

The Office Action of July 19, 2004 found claim 4 to be allowable. The Applicant thanks the Examiner for this finding.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Michael J. Buchenhorner
Reg. No. 33,162

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HOLLAND & KNIGHT LLP
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131
(305) 789-7773 (voice)
(305) 789-7799 (fax)

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I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein are being deposited with the United States Postal Service as First Class Mail on this date, December 16, 2004, to the Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Michael J. Buchenhorner

Date: December 16, 2004

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